

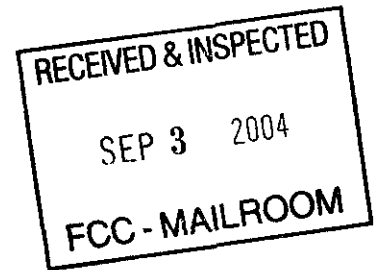
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**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.**

**In The Matter Of:  
Amendment of Section 73.202(b)  
Table of Allotments,  
FM Broadcast Stations.  
(Portage and Stoughton, Wisconsin)**

) **MB Docket No: 04-239**  
) **RM No. 10998**  
)  
)  
)



**To: Chief, Allocations Branch,  
Policy and Rules Division,  
Mass Media Bureau**

***REPLY COMMENTS OF MAGNUM COMMUNICATIONS, INC.***

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**September 2, 2004**

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## SUMMARY

Magnum Communications, Inc. ("Magnum") demonstrates herein that, contrary to Mid-West Management, Inc.'s ("Mid-West") opposition, the proposed reallocation of Channel 240A from Portage, WI to Stoughton, WI does comply with the FCC's FM Assignment policies, as set forth in *Revision of FM Assignment Policies*, 90 FCC2d 88, 91 (1988).

As demonstrated in the engineering analysis attached to these Reply Comments, the loss area in and near Portage occasioned by the proposed reallocation will continue to be well served. Moreover, as set forth in the Reply Comments and as amply demonstrated by the voluminous documentation provided herewith, Stoughton is a fully independent, growing and thriving community which is not dependent on either Madison or the Madison Urbanized Area for any of its residents' needs or services. Stoughton is an incorporated city with a lengthy history, a full complement of municipal services, significant industrial and commercial establishments, schools, churches, local organizations, and established local events. Its local leaders perceive Stoughton to be an independent city, and unanimously assert that it is not a suburb of Madison. The requirements for demonstration of an independent community under *Faye and Richard Tuck*<sup>1</sup> are fully met. Magnum is thus entitled to claim a first local service preference in support of its proposed reallocation. In the absence of any significant loss of service to Portage, and in view of the overall gains in service resulting from the new service at Stoughton, the Commission must grant Magnum's proposal, and reallocate Channel 240A pursuant to Magnum's Petition.

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<sup>1</sup>3 FCC Rcd 5374 (1988).

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1. Map of Madison UA
2. Community Profile (on-line Stoughton Website), Community Resource Guide, Chamber of Commerce Business and Visitor Guides, other published directories and guides.
3. Photographs of Stoughton locations referenced in guides and directories.
4. Letters of Support from community leaders and business leaders.
5. Engineering Statement

**BEFORE THE**  
***FEDERAL COMMUNICATIONS COMMISSION***  
**WASHINGTON, D.C.**

<b>In The Matter Of:</b>	)	<b>MB Docket No: 04-239</b>
<b>Amendment of Section 73.202(b)</b>	)	<b>RM No. 10998</b>
<b>Table of Allotments,</b>	)	
<b>FM Broadcast Stations.</b>	)	
<b>(Portage and Stoughton, Wisconsin)</b>	)	

To: Chief, Allocations Branch,  
Policy and Rules Division,  
Mass Media Bureau

***REPLY COMMENTS OF MAGNUM COMMUNICATIONS, INC.***

Magnum Communications, Inc. ("Magnum"), licensee of WBKY (FM), Portage, Wisconsin, by Counsel, hereby respectfully submits its Reply Comments in support of the above-referenced Notice of Proposed Rule Making, ("NPRM"), and in Opposition to the 'Comments in Opposition to Notice of Proposed Rule Making' filed by Mid-West Management, Inc. ("Mid-West"). Magnum requests that the Commission grant its Petition to reallocate Channel 240A from Portage, WI to Stoughton, WI, and to modify Station WBKY's license accordingly.

**1. The Proposed Reallotment is Consistent with the FCC's Allotment Priorities.**

Mid-West claims that the proposed reallotment fails to meet requisite FCC reallotment priorities because Magnum cannot claim a first local transmission preference, and because under priority #4 of the FM allotment priorities, the creation of significant loss area would preclude the reallotment of Channel 240A to Stoughton, WI.

Mid-West is wrong on both counts. As is demonstrated below, regardless of whether

Stoughton is inside or outside the Madison, WI Urbanized Area, Stoughton is an independent community and is not dependent upon Madison for services of any kind. Moreover, it is more populous than Portage, and deserving and even in need of its own local licensed radio service. Accordingly, Magnum may claim a first local service preference for its proposal to relocate Station WBKY to Stoughton, WI.<sup>2</sup>

Additionally, as shown in the attached Engineering Statement of Lyle R. Evans, the loss of existing coverage in the Portage area will not result in any 'grey area', contrary to Mid-West's analysis. The attached analysis demonstrates that the entire WBKY loss area will continue to receive five or more daytime aural services and, except for some 82 persons will receive 5 or more nighttime aural services.<sup>3</sup> Eighty-two (82) persons will receive at least two nighttime aural services. (Engineering Statement, p. 4) Such service analyses, of course, reflect the interference-free predicted contours of such stations. As a practical matter, and in the real world, station signals are received beyond their protected signal contours, and even these 82 persons likely receive all the nighttime services enjoyed by the other residents of the loss area.

Even assuming, for the sake of argument, that Magnum cannot claim a preference for first local service, it must be concluded that the gains from reallocation significantly outweigh any potential losses. There are no grey areas that are of concern, and Portage will continue to be

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<sup>2</sup>See *Revision of FM Assignment Policies and Procedures*, 90 FCC2d 88, 91 (1988). The FM Allotment priorities are (1) first full aural service; (2) Second full-time aural service; (3) first local service; and (4) other public interest matters. [Co-equal weight is given to priorities (2) and (3).]

<sup>3</sup>The analysis provided in Mid West's engineering statement cannot be relied upon since there is no way to determine which stations are provided the service depicted in Figure 1.2 and Table 1.2 of Mid-West's showing, and thus no way to determine whether all available stations have been included in the analysis.

served by **two** licensed stations of its own, WDDC (FM) and WPDR (AM). Accordingly, even under criterion (4), “other public interest matters” of the Commission’s FM Assignment Policies, it must be concluded that the public interest would be served by the requested reallocation.

**2. Stoughton Is A Separate and Independent Community for Allocation Purposes.**

*2.1. Stoughton was erroneously believed to be outside the Madison UA.*

Mid-West is correct that Stoughton is, in fact, inside the Madison Urbanized Area (UA). A brief view of a map of the Madison UA, as provided by the U.S. Census, shows the reason why Mr. Evans may have been deceived on this point. (See Attachment 1). It is not intuitively obvious that Stoughton is a part of the Madison UA. Stoughton is located at the furthest southeast point of the UA, and is separated from Madison itself by Winona, WI, McFarland, WI, and a large lake, Lake Kegonsa. Given the shape of the Madison UA, and the fact that Stoughton seems to be attached to the end of the Madison UA, (if at all) by a long and narrow ‘apron string’ stretch of area, it was assumed that Stoughton was a separate “urbanized cluster”, like Oregon, WI or DeForest, WI, rather than an intrinsic part of the Madison UA. Additionally, the transmitter site specified for this allotment is located in Rock County, rather than in Dane County, where Madison is located, and is outside the Madison UA.

*2.2 Tuck showing may not be required.*

In *In re FM Table of Allotments, Headland, Alabama and Chattahoochee, Florida*, 10 FCC Rcd. 10352 (1995), the Commission addressed the issue of whether a suburban station seeking to reallocate its channel and modify its license from a rural community to another community located outside but so close to an Urbanized Area that it would place a city-grade (70 dBu) signal over all or a majority of the Urbanized area should require the same showing as a

station seeking to move to a community within an Urbanized Area. The Commission decided that such stations seeking to move from rural communities to suburban communities outside of, but proximate to Urbanized areas should be required to make the same showing currently required of stations seeking to move into Urbanized areas “*if they would place a city-grade signal over 50% or more of the Urbanized Area.*” (Emphasis added) *Id.* at 10354. In this case, while Stoughton is in the Madison UA, the reference coordinates proposed for this allotment are **outside**, but proximate to, the UA. The signal from those proposed coordinates place city-grade signal over a total of 836 square kilometers, and 45,416 persons. The signal from the proposed coordinates places city grade signal over approximately only 7 percent of the population of the Madison UA. The proposed city grade signal does reach any part of the actual city of Madison, and within the Madison, the only urbanized area it encompasses is Stoughton itself. (See Engineering Statement, p. 3, and Figure 1.2 ). The 60dBu service contour from the proposed site covers only some 43% of the entire Madison UA, and does not reach the center city reference coordinates for Madison. Thus, since the signal from the proposed allocation site does not place city grade coverage nor even 1 mV/m coverage over 50% of the Madison UA, it is doubtful that a *Tuck*<sup>4</sup> showing is an absolute requirement in this case. Nevertheless, in the interest of a full and accurate record, Magnum will herein demonstrate that Stoughton is a fully independent community for purposes of determining whether Magnum may claim a first local service preference.

**3. Stoughton Meets All Indicia To Qualify as an Independent Community Deserving of a First Local Service Preference.**

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<sup>4</sup>*Faye and Richard Tuck (“Tuck”), 3 FCC Rcd 5374 (1988).*

To determine whether a suburban community may claim a first local service preference under the Commission's FM allotment priorities,

"... the Commission has stated that it will rely primarily on three criteria – signal population coverage, the size of the suburban community relative to the adjacent city and the interdependence of the suburban community with the central city. There are eight factors relevant to interdependence the Commission considers: (1) the extent to which community residents work in the larger metropolitan area, rather than in the specified community; (2) whether the smaller community has its own newspaper or other media that covers the community's local needs and interests; (3) whether the community leaders and residents perceive the specified community as being an integral part of, or separate from, the larger metropolitan area; (4) whether the specified community has its own local government and elected officials; (5) whether the smaller community has its own telephone book provided by the local telephone company or zip code; (6) whether the community has its own commercial establishments, health facilities and transportation systems; (7) the extent to which the specified community and the central city are part of the same advertising market; and (8) the extent to which the specified community relies on the larger metropolitan area for various municipal services such as police, fire protection, schools and libraries.

*In re Table of FM Allotments, Headland, Alabama and Chattahoochee, Florida*, 10 FCC Rcd 10352, 10354, (1995) *citing RKO General, Inc. (KFRC)*, 5 FCC Rcd 3222 (1990). The size and proximity of the specified community to the central city, and signal population coverage is pertinent, but has less significance than evidence of interdependence (or independence).

*Headlands* at 10355.

### *3.1 Signal Population Coverage.*

In this case, as noted above, and as shown in the attached Engineering Statement, a station operating at the reference coordinates with maximum available facilities would place a city-grade signal (70 dBu) over 100% of the area and population of Stoughton, but only 7 % of the population in the Madison UA including Stoughton. As stated in Magnum's original Petition for Rule Making, coverage from the proposed reference coordinates under the station's



entire Urbanized Area. In neither case does this rise to coverage of 50% or more of the area or population in the Madison Urbanized Area. The fact that the proposed facility's city grade coverage does NOT cover a significant portion of Madison or the Madison UA is significant evidence that Magnum's intent is to serve Stoughton, rather than the larger Madison Urbanized area.

### *3.2 Size of Suburban Community Relative to the Core City.*

According to the Wisconsin Department of Administration figures for Wisconsin communities in 2003, Stoughton has a population of 12,629 persons. The entire Madison UA has a population of 329,533 persons. Stoughton's population thus 3.8 % of the Madison UA population. The city reference coordinates for Madison, WI and Stoughton, WI are 22.9 kilometers, or 14.2 miles apart. The city limits of the two cities at their nearest points are 10 km. Or 6.2 miles apart. (See Attachment 5, Engineering Statement)

### *3.3 Independence of Stoughton, WI from Madison, WI.*

Stoughton is completely independent of Madison, Wisconsin, and relies neither upon the core city nor the Madison UA for any critical city services. Attached to these Reply Comments is information concerning the City of Stoughton, in the form of information from the Stoughton city website, information from Chamber of Commerce directories and guides, photographs of

Stoughton and letters from city officials and prominent business leaders supporting allocation of Channel 240A to Stoughton. This information provides most of the independence criteria for Stoughton required under the *KFRC* case referenced above.

### 3.3.1 Percentage of population working in Stoughton vs. Madison

Stoughton's Community Profile as set forth on its website, and in the Community Resource Guide published by the Stoughton Chamber of Commerce state that as of 1990,<sup>6</sup> 40.4% of Stoughton residents worked in Stoughton, and that 34.5% of Stoughton's residents worked in Madison. 20.6% worked elsewhere in Dane County, and 4.5% worked outside of Dane County. (Source: US Bureau of the Census, ). It is clear that more Stoughton residents work in Stoughton than in Madison, or elsewhere in or outside of the County.

### 3.3.2. Newspapers and other Media in Stoughton.

Stoughton has its own local newspaper, the *Stoughton Courier-Hub* and a local 'shopper' *The Great Dane*. Both are published in Stoughton. Stoughton also has a local access cable TV station, WSTO, Channel 12. Stoughton is also served by the *Capital Times*, and the *Wisconsin State Journal*, from Madison, and receives television service from WKOW-TV (ABC), WISC-TV, (CBS), WMTV-TV (NBC), WHA-TV (PBS), WMSN-TV (Fox), and WHPN-TV (UPN), all licensed to Madison.<sup>7</sup> The Stoughton Community Resource Guide also states that "There are many AM and FM stations in Madison and the area, *but there are none based in Stoughton*."

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<sup>6</sup>See Attachment 2, p.3. (The identical information was contained in the Stoughton Community Resource Guide, and in the interest of preserving trees, was not repeated in the attachment. A separate copy of the Community Resource Guide is provided to the Commission for verification.

<sup>7</sup>See Attachment 2, p. 32.

(Emphasis added.)

A number of community leaders, including the Mayor, City Council, City Clerk, Chief of Police, Chief of the Fire Department, the Utilities Director, Finance Director, Executive Director of the Chamber of Commerce, the Superintendent of the Stoughton Area School District, and the Director of Stoughton Emergency Medical Service all decry the lack of a local radio station. (See Attachment 4, pp 1-12, 14) All note that the Madison area stations do not serve Stoughton's particular needs and that existing radio service is insufficient to bring critical information to Stoughton residents in cases of emergency. Ms. Cathy J. Rigdon, Director of Stoughton Area Emergency Medical Services noted in particular:

“ . . . Currently almost every municipality in Dane County has its emergencies dispatched by Dane County's Emergency 911 System. There have been times when the 911 system has been overloaded and local municipalities are instructed to switch radio frequencies going down to their local government communication channel. This in effect means Dane County will not be monitoring, dispatching or facilitating our needs during the duration of the incident. During these types of events, many systems and resources are overloaded – even radio stations. Having a local radio station in our community would provide our citizens with an outlet to obtain communications specific to their needs. The City of Stoughton has the highest elderly population per capita in Dane County. Many of these elderly citizens live independently, yet are homebound. Tuning into a local radio channel will provide them with the opportunity to obtain information on evacuations, power outages, estimated times for the duration of the incident, and other communications which would be specific to them.”

While the area, as a statistical matter, may be well-served, Stoughton leaders nevertheless clearly describe a need for their own local radio service, as the community's needs are not being met by other broadcast services in the Madison UA.

### 3.3.3 Whether Community Leaders Perceive Stoughton as Part of, or Separate from Madison.

Community leaders decidedly perceive Stoughton as separate from Madison, and are

proud of their independence. The Mayor of Stoughton states that Stoughton is a *full service* city of 12,500 citizens, and that the city's goal is to provide jobs, goods and services in Stoughton.

"We are not a suburb of Madison, Wisconsin." (Attachment 4, p. 1) Both the Mayor and the City Council detail services and organizations available in Stoughton that demonstrate that it is not dependent on Madison for services to its residents. (Attachment 4, pp. 1-4) Ms. LuAnn J.

Alme, City Clerk, also states that "Stoughton is not a part of Madison." (Attachment 4, p. 5).

Martin Lamers, Chief of Stoughton's Fire Department states that "Stoughton is a community that does not want to be dependent on the larger City of Madison for its services." (Attachment

4, p. 6) John D. Neal, Finance Director for the City of Stoughton states, "We are a vibrant, self-sufficient community . . ." (Attachment 4, p. 6) and that sentiment is echoed by the other

community leaders whose letters of support are attached hereto. Myron Palomba, the Stoughton Area School District Superintendent, notes that while Stoughton is located near Madison, "the community has significant individual identity and does not consider itself a suburb!"

(Attachment 4, p. 10) Cathy Rigdon, Director of Stoughton Area Emergency Medical Services states that Stoughton is not a 'bedroom' community, nor do the residents perceive themselves as a suburb of Madison, but rather they are a thriving community that takes pride in its culture and heritage. (Attachment 4, p. 12) Shawna M. Terry, Managing Director of the Stoughton Opera House also states that Stoughton is not a suburb of Madison, and is one that prides itself on its identity, its history and culture. (Attachment 4, p. 17)

All of these community leaders emphasize the municipal services, industry, schools, health care and recreation opportunities available in Stoughton itself, all of which serve to identify Stoughton as a place apart from Madison, and which make Stoughton independent of

Madison. Clearly, the citizens of Stoughton themselves do not identify themselves as residents of Madison.

3.3.4 Whether Stoughton Has Its Own Government and Elected Officials.

Stoughton is an incorporated City with its own Mayor, City Council, and other elected and appointed officials. (See Attachment 2, pp 1-4; Attachment 3, p. 1) It does not rely on Madison for its government.

3.3.5 Whether Stoughton Has Its Own Telephone Book or Zip Code.

Stoughton has its own telephone book published by Ameritech Telephone Co. (Attachment 2, p. 49) Stoughton has its own zip code, and its own Post Office. (See Attachment 2, p. 15; Attachment 3, p. 4.)

3.3.6 Whether Stoughton has its own commercial establishments, health facilities, and transportation systems.

*Commercial Establishments.* Stoughton has numerous industrial and commercial establishments. The Stoughton Community Profile information available on Stoughton's website provides employment statistics in Stoughton by Private Industry, and categorizes employment by Industry types into Services, Retail Trade, Construction, Manufacturing, Finance/Insurance/Real Estate, Transportation/Utilities and Wholesale Trade. (Attachment 2, p. 3) A list of Stoughton's Largest Employers and Industries is provided in the Stoughton Website and in the Stoughton Community Resource Guide (Attachment 2, pp. 17, 35), and include companies such as Stoughton Trailers, Uniroyal, Nestle, Alliant Energy, and Millfab, Inc. A partial list of commercial retail and other commercial establishments is contained in the Chamber of Commerce Membership list (Attachment 2, pp. 21-28). Other commercial establishments are

referenced in the Stoughton Chamber of Commerce Guide to Business Services, (Attachment 2, pp. 36 - 39). Additional commercial establishments catering to visitors and touring are listed in the Stoughton Visitor Guide (Attachment 2, pp. 40-43). The guides and directories list Campgrounds, Lodging and local attractions in and near Stoughton, including the Stoughton Historic Districts, Stoughton Opera House, the Stoughton Historical Society Museum, and Stoughton area golf and country clubs, the Mandt Community Center and Stoughton recreational parks. (See also, Attachment 3, pp. 1, 15, 19-38) Stoughton commercial establishments include accountants, architects, attorneys, auto sales and service companies, banks, builders/contractors, computer services, consultants, doctors, dentists, funeral homes, hair care, a hardware/lumber/rental center, heating, plumbing and electrical services, home furnishings, human services, insurance companies, limousine services, photographers, printers, realtors and property management firms, golf resorts and country clubs, travel agents, antique and collectibles shops, art studios and galleries, campgrounds, lodging/motels, floral and gift shops, garden centers, clothing stores and boutiques, and restaurants and taverns. (Attachment 2, pp. 37-43) It should be noted as well that Stoughton has its own local events schedule for most months of the year, including the Coffee Break Festival (Stoughton boasts that it originated 'the coffee break'), a Stoughton Fair, a Chamber Ambassador Golf outing, the Norse Afternoon of Fun , a Farmer's Market held May through October, Syttende Mai Celebration, Holiday Open House Weekend, Victorian Holiday Celebration, all of which demonstrate civic pride and involvement. (Attachment 2, pp. 10, 44). Stoughton even sponsors its own Leadership Training programs through the Stoughton Chamber of Commerce, to promote and enhance community leadership and involvement, and to create community awareness. (Attachment 2, pp. 47-48)

*Health Services.* Stoughton's Website, as well as its Community Resource Guide also provide information on health services in Stoughton, which consist of Stoughton Hospital, a 24-Hour emergency service and urgent care hospital , and two Medical Clinics, the Dean Medical Clinic and the University of Wisconsin Health Clinic in Stoughton. (Attachment 2, pp 11, 32; Attachment 3, pp. 7-10). In addition, Stoughton's health providers include a number of other providers for chiropractic, dental, optometric, orthopedic, psychiatric, physical therapy and podiatric needs. (Attachment 2, p. 32; Attachment 3, p. 8) Stoughton also has two nursing home facilities, Nazareth House and Skaalen Retirement Services, and four residential extended care facilities, The Carrington, Encore Senior Villa, Harmony of Stoughton and Young At Heart Assisted Living, LLC. Services for senior citizens are also provided at the Stoughton Senior Center. (Attachment 2, pp. 11, 32; see also pp. 45-46)

*Transportation Systems.* Stoughton has no transportation systems. Its residents travel by car over city, county and state roads. Stoughton is not served by transportation systems from Madison, whose Metrobus system serves Madison, but no other areas within the Madison UA.

### 3.3.7. Whether Stoughton and Madison are part of the same advertising market.

Stoughton does have its own newspaper and shopper, the *Stoughton Courier-Hub*, and *The Great Dane*, both of which are published in Stoughton, and in which Stoughton merchants place advertising. There is no statistical information available at this time on the extent to which Stoughton commercial establishments advertise in the Madison newspapers or on Madison Stations. However, the attached letters from community leaders and from some commercial establishments express frustration with services provided by Madison stations, and the desire for a local radio station specifically because it would provide a local outlet for advertising for

Stoughton merchants as well as for local community events. These leaders point out that the Madison stations do not provide a satisfactory outlet to promote local Stoughton business and events, and that a local radio station would be more likely to promote and attract business and visitors to Stoughton than would a Madison-market station. (Attachment 4, pp. 2, 4, 5, 9, 14, 15, 17, 18, 19, 24)

### 3.3.8 Independence of Stoughton from Madison UA For Municipal Services.

Stoughton does not depend on Madison or the Madison UA for its Municipal Services. As noted above, it has its own government, Mayor and City Council, (Attachment 2, pp. 5, 31) which meets in the City Hall, (Attachment 2, pp. 5, 31; Attachment 3, p. 1) and provides its own municipal services, including Water/Wastewater/Electricity Utilities (Attachment 2, pp. 5, 31; Attachment 3, pp. 2-3), Trash & Recycling service (Attachment 2, pp. 5, 31) Police, Fire, and Emergency Medical Service (Attachment 2, pp. 6, 31; Attachment 3, pp. 3-A) and Natural Gas and related Emergency service (Attachment 2, pp. 6, 31).

Stoughton has its own schools, the Stoughton Area School District, which serves approximately 95 square miles and services approximately 3,600 students in three elementary schools, two middle schools and one high school. The School District also provides a full spectrum of special education services to students with disabilities. Stoughton is also served by a number of private parochial schools, including the Martin Luther Christian Schools (preschool, and K-6), Utica Christian School (K-12) St. Anne's Catholic School (preschools, K-6) Western Koshkonong Lutheran (K-8, preschool) and some twelve day-care and preschool centers. (Attachment 2, pp. 7-9, 33; Attachment 3, pp. 11-14).

Stoughton has its own Public Library, its own Municipal Court, a Senior Citizen's Center,



YMCA Center, Youth Center, and Recreation Department. (Attachment 2, pp. 15, 31; Attachment 3, pp 3-A and 5). The City of Stoughton Parks and Recreation Department operates 13 city parks with playground equipment, tennis courts, baseball and swimming facilities, as well as greenspace, and sponsors a variety of recreational activities for adults and children. (Attachment 2, p. 19; Attachment 3, pp. 37-38)

Stoughton has twenty (20) Churches of various faiths, and some 58 local organizations, including an American Legion Post and Auxiliary, Boy Scouts, Girl Scouts, Cub Scouts, 4-H Clubs, Chamber of Commerce, Rotary Club, Stoughton Area Jaycees, League of Women Voters, Lions and Lioness Clubs, a Masonic Lodge, Optimist Club, Stoughton Exchange Club, Stoughton Historical Society, a VFW Post, and a Conservation Club. (Attachment 2, pp. 12-14, 34; Attachment 3, pp. 16-18). Stoughton boasts five (5) banks, as well as other financial service providers. (Attachment 2, p. 37; Attachment 3, pp. 19-21).

It is clear that Stoughton does not rely on Madison or the Madison UA for services for its residents. Rather, as with the Stoughton Area School District, Stoughton churches and local organizations, Stoughton is providing such municipal services to other surrounding areas. Stoughton's local leaders attest to its individual identity, as do the numerous civic events held each year. Stoughton also has a lengthy history: it was incorporated as a village in 1868, incorporated as a city in 1882, and became a wagon manufacturing center and a center of employment between 1885 and 1917.

It must be concluded that Stoughton is a fully independent city, incorporated for over a century, with its own government, its own municipal services, it's own zip code, a full complement of commercial and industrial establishments and services, its own hospitals and

community and municipal leaders confirm that Stoughton is separate and independent from Madison, and all stoutly deny that Stoughton is merely a suburb. They perceive Stoughton as a vibrant and thriving community with its own identity, and history, not dependent or identified in any way with Madison or the Madison UA.


#### **4. Conclusion**

In summary, it is demonstrated that the public interest would be served by the proposed allotment. As demonstrated above, the WBKY loss area will continue to be well served, and the gains in service as a result of the proposed allotment outweigh any losses to existing service in the Portage area. Moreover, it is clearly demonstrated that Stoughton is an independent community from Madison and the Madison Urbanized Area, and that Petitioner is entitled to claim a first local service preference in support of the reallocation. Since the first local service preference outweighs any the “other public interest matters” criterion under the Commission’s *FM Assignment Policies, supra*, it must be concluded that the proposed reallocation is in the public interest.

Accordingly, the foregoing considered, Magnum respectfully requests that the Commission reallocate Channel 240A from Portage, WI to Stoughton, Wisconsin, and modify the license of WBKY (FM) accordingly.

Respectfully submitted,

**MAGNUM COMMUNICATIONS, INC.**

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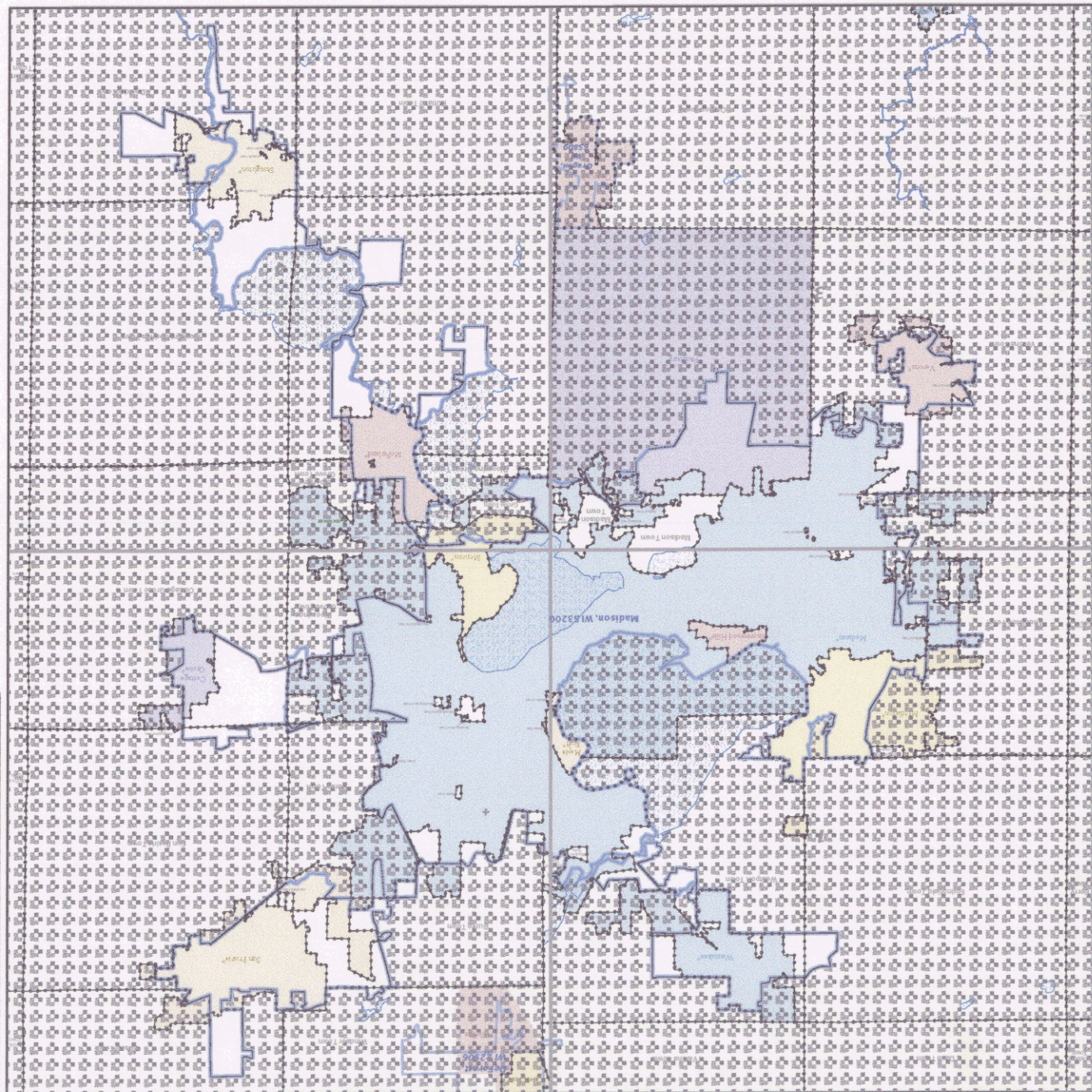
September 2, 2004

**MAGNUM COMMUNICATIONS INC.  
NPRM, AMENDMENT FM ALLOTMENTS**

**REPLY COMMENTS  
PORTAGE, WI AND STOUGHTON, WI  
ATTACHMENT 1**

**MAP OF MADISON URBANIZED AREA**





URBANIZED AREA OUTLINE MAP (CENSUS 2000)  
Madison, WI